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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2011 APR 21 PM 4:20 ✓

JEANNE H. GINS, CLERK  
BOBBI JO BALL

BY: \_\_\_\_\_

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF YAVAPAI**

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN DEMOCKER,

Defendant

p  
1300CR201001325

**REQUEST FOR DISCLOSURE:  
DNA Evidence**

**(Hon. Warren Darrow)**

This Request for the following items of discovery is made pursuant to Rule 15.1,  
Arizona Rules of Criminal Procedure, and Brady v. Maryland, 373 U.S. 83 (1963)<sup>1</sup>.

Recently, on February 24, 2011, the state disclosed new DNA evidence (state's Second Supplemental Disclosure), which alleged to have identified the person previously known only as "Mr. 603." Attached to that Disclosure was a Arizona Department of Public Safety Report, "DR NO. 2008723747" (dated 2-17-2011). As a result, additional disclosure is required:

1. In order to comply with Brady, "the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in this case, including the police." Kyles v. Whitley, 514 U.S. 419 (1995), Strickler v. Greene, 527 U.S. 263 (1999).

In Brady, the Court held "that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." The Court has since held that the duty to disclose such evidence is applicable even though there has been no request by the accused, U. S.v. Agurs, 427 U.S. 97 (1976), and that the duty encompasses impeachment evidence as well as exculpatory evidence. U.S.v. Bagley, 473 U.S. 667 (1985). Moreover, the rule encompasses evidence "known only to police investigators and not to the prosecutor."

**DPS / YCSO Reports:**

1. Copy of standard operating procedures and policies for the collection, transport, drying (if applicable), and storage of DNA evidence. This should include all documentation related to procedures for preventing cross-contamination, prevention of mislabeling if the evidence is repackaged after procedures such as drying, securing the evidence, and a list of individuals that could potentially gain access to the evidence.

**Accreditation and Qualifications of YCSO / DPS Personnel:**

1. Copies of all certificates of accreditation (e.g. Commission on Accreditation for Law Enforcement Agencies, Inc.) held by the police department.
2. Current resume, job description, documented specialized training in DNA evidence collection, corrective actions and a summary of competency test results for each person involved in collecting, transporting, drying, or storing DNA evidence performed in this case.
3. Record of any citizen's complaints, internal affairs investigations, and any civil or legal actions that have been filed against any person involved in collecting, transporting, drying, or storing DNA evidence, performed in this case.

**DPS / YCSO Case File:**

1. A complete copy of the case file, per Arizona Department of Public Safety Report DR NO. 2008723747, including all laboratory records generated in conjunction with this case.
2. A list that clearly shows the correlation of lab sample numbers to evidence numbers or descriptions on the chain of custody.
3. Copies of any corrective actions associated with this case.

**Laboratory Procedures:**

1. A copy of all Standard Operating Procedures used in connection with the testing in this case, including the result interpretation policy.
2. A list of the commercial software programs used in the DNA testing.
3. Copies of allelic frequency tables relied upon in making statistical estimates.

**Chain of custody:**

1. Copies of all records that document the treatment and handling of the biological evidence in

this case, from point of collection to current disposition.

2. This information should include documentation of where and how the materials were stored, the amount of evidence consumed in testing, the amount of material remaining after the testing and how the remaining evidence is stored.

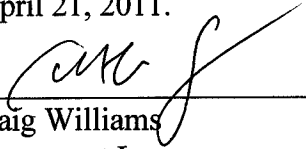
**Electronic Data Files:**

1. Copies of all data files used and created in the course of performing tests and analyzing data in this case, including .fsa files, if applicable. These files should include all data necessary to independently reanalyze the raw data.

**Accreditation and Laboratory Personnel:**

1. Copies of all certificates of accreditation held by the DNA testing laboratory.
2. Current resume, job description and a summary of proficiency test results for each person involved in conducting or reviewing DNA testing performed in this case.
3. Copies of the laboratory's most recent inspection by their accrediting agency, detailing deficiencies and corrective actions.

RESPECTFULLY SUBMITTED this April 21, 2011.

  
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Craig Williams  
Attorney at Law

Copies of the foregoing delivered this date to:  
Hon. Warren Darrow, Judge of the Superior Court  
Jeff Paupore, Steve Young, Yavapai County Attorney's Office  
Greg Parzych, Attorney for Defendant  
The Defendant

By:  \_\_\_\_\_